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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 DANIEL JAY PEREZ,  
10 Plaintiff,

11 v.

12 CALVIN COGBURN,  
13 Defendant.

CASE NO. C18-1800-JLR-BAT

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

14 Plaintiff, Daniel Jay Perez, who is proceeding *pro se* and *in forma pauperis* in this civil  
15 rights action, moves the Court to appoint counsel. Dkt. 48. For the following reasons, the Court  
16 **DENIES** the motion.

17 Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141  
18 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under  
19 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections*  
20 *Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional  
21 circumstances” exist, the Court considers “the likelihood of success on the merits as well as the  
22 ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues  
23 involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 Plaintiff contends he requires counsel because he is indigent and cannot retain counsel,  
2 the issues in his case are complex, DOC Policy 590.500 limits his ability to possess legal  
3 materials, he has limited access to the law library, he has had problems obtaining discovery from  
4 the defendants, and he has no legal training. Dkt. 48.

5 Plaintiff has not demonstrated the existence of “exceptional circumstances” to support his  
6 request for appointment of counsel. Plaintiff is plainly capable of articulating his claims *pro se*.  
7 He has filed numerous typed pleadings and they demonstrate plaintiff is familiar with the court  
8 rules and law pertaining to his claims. Plaintiff’s contention he has limited law library time,  
9 resources, legal knowledge are not exceptional circumstances because these limitations are  
10 applicable to virtually all *pro se* prisoner plaintiffs. Plaintiff’s contention DOC Policy 590.500  
11 justifies appointment of counsel is unfounded. The policy applies to all DOC prisoners and is  
12 thus also not an exceptional circumstance. Moreover, defendants’ counsel indicates she is  
13 working with plaintiff’s prison facility to ensure he can access his personal legal materials and  
14 documents, and to ensure plaintiff and the prison are on the same page regarding the application  
15 of DOC Policy 590.500. *See* Dkt 55, at 2. In addition, this is not a complex case involving  
16 complex facts or law. The complaint alleges defendants violated plaintiff’s rights by  
17 involuntarily administering anti-psychotic medications. Appointment of counsel is therefore not  
18 justified at this time, and the Court **DENIES** the motion. Dkt. 4.

19 The Clerk shall provide a copy of this Order to plaintiff.

20 DATED this 22<sup>nd</sup> day of August, 2019.

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23 BRIAN A. TSUCHIDA  
United States Magistrate Judge